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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,848	01/13/2004	Hiromi Someya	1232-5251	3397
27123 7590 03/26/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER	
			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/756,848

Applicant(s)

SOMEYA ET AL.

Examiner

Timothy J. Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 9-18 is/are rejected.
- 7) ☒ Claim(s) 5, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 9, 14, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Oya et al. (US 6,208,379).

[claim 1]

Regarding claim 1, Oya discloses an image taking apparatus which is operated through a network (Figure 1) from a terminal apparatus and which distributes taken images over the network (Figure 1; c. 4, ll. 3-24), comprising: an image taking optical system (c. 3, ll. 50-63; Oya discloses a camera which includes configurable pan, tilt, zoom, focus and diaphragm settings, the examiner notes that such a camera inherently includes an image taking optical system as claimed); an image pickup-device which photoelectrically converts an object image formed by the image taking optical system (Figure 1, c. 3, l. 42 - c. 4, l. 41; Oya discloses a camera which outputs an NTSC signal to a remote terminal over a network, i.e. photoelectrically converting an object image as

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claimed); a control which performs, by using the image pickup device, image taking in a first mode and image taking in a second mode in which image taking is carried out with more pixels than in the first mode (c. 3, I. 64 - c. 4, I. 19; c. 17, I. 21-32; c. 19, II. 6-41; "resolution is much lower than normal resolution") wherein the controller determines whether a condition relating to image taking matches a predetermined restriction condition (c. 17, I. 21-32) and performs a restriction operation which restricts image taking in the second mode or distribution of an image taken in the second mode when the restriction condition is met (c. 17, I. 21-32; c. 19, II. 6-41; "resolution is much lower than normal resolution").

[claim 2]

Regarding claim 2, Oya discloses a restriction operation which is a prohibition of image taking in the second mode or distribution of the image in the second mode (c. 19, II. 6-41).

[claim 3]

Regarding claim 3, Oya discloses a restriction operation which allows the image taking in the second mode or distribution of the image taken in the second mode after performing an operation for excluding the condition related to the image taking from the predetermined condition (Figures 34 and 43).

[claim 4]

Regarding claim 4, Oya discloses a system with a variable focal length (i.e. zoom; c. 3, II. 50-63) wherein the controller determines whether the focal length is equal to or longer than a predetermined focal length and performs the restriction operation

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when the focal length is equal to or longer than the predetermined focal length (Figure 29; c. 15, ll. 4-13; Oya discloses a restriction condition which is based on the zoom settings of the camera).

[claim 6]

Regarding claim 6, Oya discloses a system which prevents high-resolution imaging when a focal length is within a predetermined range (Figure 29; c. 15, ll. 4-13). The examiner notes that if the focal length is changed to not be within the predetermined range, the system of Oya will allow high-resolution image capture as claimed.

[claim 9]

Regarding claim 9, Oya discloses a controller which determines whether the image taking field contains a predetermined restricted image taking region (Figure 29) and performs the restriction operation when the image-taking field contains the predetermined restricted image taking region (e.g. Figures 36-43).

[claim 14]

Regarding claim 14, Oya discloses a predetermined restriction condition which can be changed only by an administrator of the image taking apparatus (c. 8, ll. 33-41).

[claim 17]

Regarding claim 17, Oya discloses an image taking apparatus according to claim 1 (see the rejection of claim 1 above for further details) and an administrative computer with which an administrator of the image taking apparatus can control the image taking

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apparatus through the network (e.g. Figure 1, Item 20).

[claim 18]

Regarding claim 18, Oya discloses an image taking apparatus according to claim 1 (see the rejection of claim 1 above for further details) and a terminal apparatus which operates the image taking apparatus through the network and which receives a distribution of the taken image (e.g. Figure 1, Item 20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oya et al. (US 6,208,379) in view of SanGregory (US 5,373,341).

[claim 10]

Regarding claim 10, Oya lacks determining whether the optical system is properly focused and performs a restriction operation if the system is not focused. SanGregory discloses the use of a "focus lockout" system in cameras to prevent photographs being taken when the subject is outside the focusing range (i.e. not properly focused) to reduce poor quality photographs from being taken (c. 1, ll. 12-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a "focus lockout" system as disclosed by SanGregory in

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the system of Oya to prevent poor quality photographs from being taken.

[claim 11]

Regarding claim 11, Oya lacks determining whether the optical system is properly exposed and performs a restriction operation if the system is not properly exposed. SanGregory discloses the use of an "exposure lockout" system in cameras to prevent photographs being taken when the subject is outside the proper exposure range (e.g. underexposed) to reduce poor quality photographs from being taken (c. 1, ll. 12-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an "exposure lockout" system as disclosed by SanGregory in the system of Oya to prevent poor quality photographs from being taken.

[claims 15 and 16]

Regarding claims 15 and 16, SanGregory further discloses an override switch which allows a user to command image capture even if a lockout condition exists (e.g. a focus lockout or exposure lockout; c. 1, ll. 53-64) to allow photographing of short-live photo opportunities even if the photo may be improperly focused or exposed (c. 1, ll. 25-40).

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oya et al. (US 6,208,379).

[claim 12]

Regarding claim 12, Oya lacks saving the taken image to a memory which can be readout out only be an administrator when the distribution of the image in the second

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mode is prohibited. Official Notice is taken that it is well known in the camera art to archive the images captured by cameras in networked camera systems to allow for later review by an administrator. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to archive all images captured by the camera, even when distribution is prohibited, to allow the administrator to later review the captured images in case an important even is captured.

[claim 13]

Regarding claim 13, Oya discloses displaying camera information (Figure 4, Items 84 and 86; c. 7, ll. 16-39, but does not specifically disclose warning a user when the restriction operation is performed. Official Notice is taken that it is well known in the art to provide warnings to users when an event occurs, such as a change in modes, to keep the user informed of changes in image capture.

Allowable Subject Matter

7. Claims 5, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claim 5]

Regarding claim 5, the prior art does not teach or fairly suggest comparing both a focal length and an object distance to predetermined conditions to determine whether to perform a restriction operation as claimed. While Oya discloses comparing focal lengths (e.g. Figure 29) to determine whether to perform a restriction operation, the

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claimed comparison of an object distance is not disclosed.

[claims 7 and 8]

Regarding claims 7 and 8, the prior art does not teach or fairly suggest a function of recognizing an object in an image taking field, identifying whether the recognized object is a specific object and performing the restriction operation when the object is the object is the specific object as claimed. While it is known in the prior art to perform object recognition or motion recognition of objects in a scene to perform a tracking operation, performing a restitution operation depending on whether an object is recognized as a specific object is not taught or suggested.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


i.	Morita	JP 2000-115619
ii.	Kawai et al.	JP 2000-197031
iii.	Murata et al.	US 6,768,563
iv.	Pretzer et al.	US 2003/0103139
v.	Broemmelsiek et al.	US 2002/0008758
vi.	Urisaka et al.	US 2001/0024233

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJH
3/17/2007



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